

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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KIMMARIE NORMAN, individually and on
behalf of all others similarly situated,

Index No.: 22 cv 03171 ALC

ANSWER

Plaintiffs,

vs.

2038 AMSTERDAM GROCERY & TOBACCO INC.
and 2308 ASSOCIATES LLC,

Defendants.
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The Defendant, 2308 ASSOCIATES LLC, by its attorney, HAROLD H. WEISBERG, ESQ., answering the Complaint of the Plaintiff herein alleges as follows:

1. Defendant denies the allegations contained in Paragraph 1.
2. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2.
3. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 3.
4. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 4.
5. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 5.
6. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6.

7. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 7.
8. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 8.
9. Defendant denies each and every allegation contained in Paragraph 9, except admits Defendant is a New York State Limited Liability Company, doing business in the County and State of New York.
10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 10.
11. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 11.
12. Defendant denies the allegations contained in Paragraph 12.
13. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13.
14. Defendant admits the allegations contained in Paragraph 14.
15. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 15.
16. Defendant admits the allegations contained in Paragraph 16.
17. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 17.
18. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 19.
20. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 20.
21. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 21.
22. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 22.
23. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 23.
24. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 24.
25. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 25.
26. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 26.
27. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 27.
28. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 28.
29. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 29.
30. Defendant admits the allegations contained in Paragraph 30.

31. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 31.
32. Defendant admits the allegations contained in Paragraph 32.
33. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 33.
34. Defendant denies the allegations contained in Paragraph 34.
35. Defendant denies the allegations contained in Paragraph 35.
36. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 36.
37. Defendant denies the allegations contained in Paragraph 37 in its entirety.
38. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 38.
39. Defendant denies the allegations contained in Paragraph 39.
40. Defendant denies the allegations contained in Paragraph 40.
41. Defendant denies the allegations contained in Paragraph 41.
42. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 42.
43. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 43.
44. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 44.
45. Defendant denies the allegations contained in Paragraph 45.
46. Defendant denies the allegations contained in Paragraph 46.

- 47. Defendant denies the allegations contained in Paragraph 47.
- 48. Defendant denies the allegations contained in Paragraph 48.
- 49. Defendant denies the allegations contained in Paragraph 49.
- 50. Defendant lacks knowledge or information sufficient to form a belief as to the
allegations contained in Paragraph 50.
- 51. Defendant denies the allegations contained in Paragraph 51.
- 52. Defendant denies the allegations contained in Paragraph 52.
- 53. Defendant lacks knowledge or information sufficient to form a belief as to the
allegations contained in Paragraph 53.
- 54. Defendant denies the allegations contained in Paragraph 54.
- 55. Defendant denies the allegations contained in Paragraph 55.
- 56. Defendant denies the allegations contained in Paragraph 56.
- 57. Defendant denies the allegations contained in Paragraph 57.
- 58. Defendant denies the allegations contained in Paragraph 58.
- 59. Defendant denies the allegations contained in Paragraph 59.
- 60. Defendant denies the allegations contained in Paragraph 60.
- 61. Defendant denies the allegations contained in Paragraph 61.
- 62. Defendant denies the allegations contained in Paragraph 62.
- 63. Defendants deny the allegations contained in Paragraph 63.
- 64. Defendant denies the allegations contained in Paragraph 64.
- 65. Defendant denies the allegations contained in Paragraph 65.
- 66. Defendant denies the allegations contained in Paragraph 66.
- 67. Defendant denies the allegations contained in Paragraph 67.

68. Answering Paragraph 68, Defendant repeats and realleges each and every answer set forth above, to Paragraphs numbered 1 through 67.

69. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 69.

70. Defendant denies the allegations contained in Paragraph 70.

71. Defendant denies the allegations contained in Paragraph 71.

72. Defendant denies the allegations contained in Paragraph 72.

73. Defendant denies the allegations contained in Paragraph 73.

74. Defendant denies the allegations contained in Paragraph 74.

75. Defendant denies the allegations contained in Paragraph 75.

76. Defendant denies the allegations contained in Paragraph 76.

77. Answering Paragraph 77, Defendant repeats and realleges each and every answer set forth above, to Paragraphs numbered 68 through 76.

78. Defendant denies the allegations contained in Paragraph 78.

79. Defendant denies the allegations contained in Paragraph 79

80. Defendant denies the allegations contained in Paragraph 80.

81. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 81.

82. Answering Paragraph 82, Defendant repeats and realleges each and every answer set forth above, to Paragraphs numbered 77 to 81.

83. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 83.

84. Defendant denies the allegations contained in Paragraph 84.

85. Defendant denies the allegations contained in Paragraph 85.

86. Defendant denies the allegations contained in Paragraph 86.

87. Defendant denies the allegations contained in Paragraph 87.

88. Defendant denies the allegations contained in Paragraph 88.

89. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 89.

90. Defendant denies the allegations contained in Paragraph 90.

91. Answering Paragraph 91, Defendant repeats and realleges each and every answer set forth above, to Paragraphs numbered 83 to 90.

92. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 92.

93. Defendant denies the allegations contained in Paragraph 93.

94. Defendant denies the allegations contained in Paragraph 94.

95. Defendant denies the allegations contained in Paragraph 95.

96. Defendant denies the allegations contained in Paragraph 96.

97. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 97.

98. Defendant denies the allegations contained in Paragraph 98.

99. Answering Paragraph 99, Defendant repeats and realleges each and every answer set forth above, to Paragraphs numbered 92 to 98.

100. Defendant denies the allegations contained in Paragraph 100.

AS AND FOR AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state any causes of action upon which relief may be granted and has failed to set forth a prima facie case.
2. At all times, to the extent the Defendants might have violated any related Americans With Disabilities statutes, same was in good faith and not willful.
3. The Building at 2308 Amsterdam Avenue, New York, NY was erected in 1922 prior to the enactment of the statutes Plaintiff is basing her claim upon and there has not been any construction concerning property that would require compliance with the Statutes that Plaintiff is basing her case upon.
4. The answering Defendant has owned the property since 1986 and is not subject to the Statutes Plaintiff is relying upon to sustain her actions as said statutes were enacted after said date and Defendant has not made any modifications or performed construction since enactment of the ADA Statute in July 1992. .

WHEREFORE, Defendant 2308 Associates LLC, respectfully requests that a judgment be rendered dismissing the Complaint herein and for such other relief that the Court shall deem just and proper.

Dated: New York, NY
October 7, 2022

Harold H. Weisberg, Esq.
HAROLD H. WEISBERG, ESQ.
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October 7, 2022

To: James E. Bahamonde, Esq.
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Harold H. Weisberg, Esq.
VIA: USDC SD Electronic Filing System

Harold H. Weisberg, Esq.

Harold H. Weisberg, Esq.

CERTIFICATE OF SERVICE

A copy of the foregoing Answer has been served via operation of the Court's electronic filing system this th day of August 2022, upon

Law Offices of James E. Bahamonde, P.C.
Attorneys for Plaintiff

HAROLD H. WEISBERG, ESQ.